

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

WILLIAM M. PEARCE	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 22cv02635-LKG
	)	
FRONTIER AIRLINES, INC.	)	
Defendant.	)	
_____	)	

**DEFENDANT FRONTIER AIRLINES INC’S MOTION FOR LEAVE TO FILE  
RESPONSE TO PLAINTIFF’S SUPPLEMENTAL MEMORANDUM IN OPPOSITION  
TO MOTION FOR SUMMARY JUDGMENT**

Defendant, Frontier Airlines, Inc. (“Defendant” or “Frontier”), by and through undersigned counsel, moves this Court for leave to file a response to Plaintiff’s Supplemental Memorandum in Opposition to Defendant’s Motion for Summary Judgment, and in support states as follows:

1. On August 23, 2023, Defendant, Frontier Airlines, Inc. filed its Motion for Summary Judgment (the “Motion”) with respect to Plaintiff’s allegations of age discrimination under the Age Discrimination in Employment Act (“ADEA”). (ECF No. 22).
2. On September 18, 2023, Plaintiff, William Pearce (“Plaintiff” or “Pearce”) filed his Opposition to Defendant’s Motion (the “Opposition”). (ECF No. 27).
3. Defendant filed its reply brief on September 27, 2023. (ECF No. 28). There, Defendant pointed out issues with respect to the admissibility of evidence cited by Plaintiff. Specifically, Defendant noted that Plaintiff could not contradict his own sworn testimony with the submission of a declaration under the sham affidavit doctrine. In addition, but Plaintiff’s Opposition relied on statements that constitute inadmissible hearsay.

4. On October 20, 2023, Plaintiff filed a Motion for Leave to File a Supplemental Response to Defendant's Motion for Summary Judgment, which the Court granted on October 26, 2023. (ECF Nos. 30, 31).

5. The Court docketed Plaintiff's Supplemental Memorandum in Opposition (the "Supplement") on October 26, 2023. (ECF No. 32).

6. In Plaintiff's Motion for Leave, he expressly consented to Defendant's response to the Supplement stating, "I have no objection to the defense being able to submit a reply to this supplemental memorandum." (ECF No. 32).

7. Attached hereto and for the Court's reference is Defendant's brief response to Pearce's Supplemental Memorandum in Opposition to Defendant's Motion for Summary Judgment.

WHEREFORE, Defendant respectfully requests that this Honorable Court grant leave for filing of a response to Plaintiff, William Pearce's Supplemental Memorandum in Opposition to Defendant's Motion for Summary Judgment.

Dated: November 6, 2023

Respectfully submitted,

/s/ Peter J. Petesch

Peter J. Petesch (Bar No. 12908)

[ppetes@littler.com](mailto:ppetes@littler.com)

[Alexis Bosilovic \(Bar No. 21877\)](#)

[abosilovic@littler.com](mailto:abosilovic@littler.com)

815 Connecticut Avenue, NW, Suite 400

Washington, DC 20006-4046

202.789.3434 (Telephone)

202.842.0011 (Facsimile)

*Counsel for Defendant Frontier Airlines,  
Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6th day of November 2023, a copy of the foregoing Motion for Leave to File Response to Plaintiff's Supplemental Motion in Opposition to Motion for Summary Judgment was filed using the CM/ECF system and served by first-class mail, postage prepared, upon the following:

William M. Pearce  
2334 Sheppard Road  
POB 576  
Monkton, Maryland 21111  
*Pro Se Plaintiff*

/s/ Alexis Bosilovic  
Alexis Bosilovic